

Peter Urhausen, Esq. SBN 160392
GIBBONS & CONLEY
Hookston Square 3480 Buskirk Ave. Suite 200
Pleasant Hill, CA 94523
T: 925.932.3600
F: 925.932.1623

Attorney for Defendant, CITY OF COTATI and JOHN A.
DELL'OSSO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGE E. BARICH and LAURIE
ALDERMAN,

Plaintiffs,

v.

CITY OF COTATI and JOHN A.
DELL'OSSO,

Defendants.

) Case No. 21-cv-00034-EMC

) **DECLARATION OF LAUREN BERGES IN**
) **SUPPORT OF DEFENDANTS' MOTION FOR**
) **SUMMARY JUDGMENT OR PARTIAL**
) **SUMMARY JUDGMENT**

) Date: October 27, 2022
) Time: 1:30 p.m.
) Location: Zoom

I, Lauren Berges, hereby declare:

1. From July 27, 2016 to September 16, 2018, I was the Deputy City Clerk for the City of Cotati and from September 17, 2018 until March 2022, I was the City Clerk for the City of Cotati. Prior to the March 27, 2019 City Council strategic planning session in the police station community room, George Barich requested a hearing assist device for that meeting.

2. I believed that the hearing devices that were used at meetings in the City Council chambers, and that had previously been successfully used by Mr. Barich, would be sufficient for the strategic planning meeting in the police station community room. I made sure to bring two of those hearing assist devices to the March 27, 2019 strategic planning meeting. I brought two, just in case one of them malfunctioned. I fully expected that they would work and would accommodate Mr. Barich's request.
3. I did not inform anyone else at the City regarding the type of hearing assist devices that I was bringing to the March 27, 2019 strategic planning session, or anything specific about Mr. Barich's accommodation request, or the manner in which I intended to fulfill it. More specifically, I never informed City Manager Damien O'Bid or Mayor John Dell'Osso about the type of hearing assist devices that I was bringing to the strategic planning session, or anything else about how I intended to respond and fulfill Mr. Barich's request.
4. A few minutes before the start of the strategic planning session on March 27, 2019, Mr. Barich informed me that the hearing assist devices I had brought to the meeting were not functioning for him. Before the start of the meeting, I informed City Manager Damien O'Bid that I had brought two hearing assist devices for Mr. Barich and neither one of them were functioning properly.
5. It was not until after the strategic planning session was over that I learned that the hearing assist devices that I brought to the March 27, 2019 session were set up to work specifically only in the City Council chambers, and were not appropriate hearing devices for the police station community room. In the days immediately following the March 27, 2019 session, I researched and purchased a hearing assist device identified as ADA compliant to be used if this issue came up again for a location other than the City Council chambers.
6. I have no reason to believe that City Manager Damien O'Bid and Mayor John Dell'Osso, knew what type of hearing assist devices I was bringing to the March 27, 2019 session, or that the devices would not function in the police station community room. To my

1 knowledge, no one at the City other than me knew what type of hearing assist devices I was
2 bringing to the March 27, 2019 session, or that they would not function properly in the
3 police station community room. To my knowledge, no one at the City learned of that
4 information until after the March 27, 2019 strategic planning session.

- 5
6 7. Except for the link to the video posted by George Barich, the links set forth in the City of
7 Cotati's Request for Judicial Notice filed herewith are links to an official City of Cotati
8 website that contains the official City Council meeting minutes and video recordings of
9 such meetings, as well as the official copy of the City Council Policy 2017-02.

10 I have personal knowledge of the forgoing and could and would competently testify thereto. I
11 declare under penalty of perjury under the laws of the State of California and the United States of
12 America that the forgoing is true and correct. This declaration was executed in Hercules, California
13 on August 22, 2022.

14
15 Dated: August 23, 2022

16
17 By: 

18 LAUREN BERGES